G R S App F IX 4]

194/ -

(Mc)

File No 65-41

Serial Nos 13, 14

Previous References

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos two

Part B for Feb 43

SUBJECT

Disqualification of certain members of the Krishnagiri Municipal Council

Fo,

The D C Salem

27444 dt 30/43.

Issues certain instructions in the matter

Feb 43

3599/2

GOVERNMENT OF MYSORE

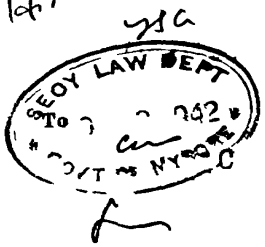
Tel [illegible] am / pm

OFFICE OF
The Deputy Commissioner,
Mandya District,
Mandya

No A5 776/42-43
Encls

Date 8th December 1942

Ref 65-16(-)13



To C Narayanaswamy Naidu,Esq ,B A ,B L ,
Secretary to Government,
Law Department, Bangalore

Sir

I have the honour to state that the President, Krishnarajapet Minor Municipality reported to this Office on 26-9-1942 that 2 nominated Municipal Councillors Messrs Kengiah and Linge gowda failed to attend 4 consecutive meetings of the Municipal Council as a consequence of which they were disabled from continuing as Municipal Councillors under Section 9(2)(c) of the Minor Municipalities Act ~~of~~ and requested that the vacant places may be filled up by nomination A report was called for from the President as to whether notices for holding the meetings were served on the Municipal Councillors and if so the date of issue and date of service thereof on the Municipal Councillors

The President in his report No H C 40/42-43 - dated 20-11-42 has stated that according to the practice in vogue, the date of the meetings would be written in a memo book and circulated among the members and - that the parties were not found, it would not be - possible to serve the notices From the statement -

enclosed to his report it is seen that out of 5 General Meetings held on 30-5-42 20-6-42 31-7-42 24-8-42 and 5-9-42 Mr Kengiah absented himself for the last 4 meetings For meetings held on 20-6-42 and 31-7-42, though notices had been served he did not attend the meeting and for the other two meetings held in August and September, notices had not been served on him Mr Linge Gowda absented himself for all the four meetings In this case also notices could not be served on him for the meetings held in August ~~and September~~. The President further reports that notices dated 19-9-42 - issued to the effect that both the members had been removed under Section 9(2)(c) of the Act were returned unserved with a report that these gentlemen refused to take service of the notice

3 In this connection I wish to state that both the Municipal Councillors petitioned to this Office bringing to notice that on account of the prevalence of plague in Krishnarajpet, they had to shift themselves from the Town and that they could not therefore attend the Municipal Meetings regularly They requested that they may be allowed to continue as members of the Municipal Council and promised to - attend the meetings regularly

4 In the circumstances stated above a doubt

is felt as to whether the vacancies as stated by the President have really occurred under Section 9(2)(c) of the Minor Municipalities Act Hence I solicit kind instructions in the matter

5 In this connection I wish to add that in the Minor Municipalities Act, there is no specific provision as in Section 27(3) of the Town Municipalities Act regarding the date and place of the meeting and made service of notices of the meetings to be held Section 18(1) of the Minor Municipalities Act merely states that the Municipal Council shall hold ordinary meetings for disposal of General business and that the President shall fix the dates for general meetings There is no provision contemplating even the issue of notice regarding the meeting to the Councillors In the absence of clear provision as in the Town Municipalities Act re the service of meeting notices, I think it is not ~~d xdmx~~ advisable to over-rule the resolution of the Municipal Council of Krishnarajapet removing those two members under Section 9(2)(c) of the Act Personally I think that in view of the fact that proper notice of the meeting was not served on them and also the fact that they have represented that they could not attend the meetings having had to leave Krishnarajapet owing to plague infection they may be renominated

6 I also beg to suggest for the consideration of Government the desirability of framing rules under Section 106(2)(b) of the Minor Municipalities Act regarding the issue of notices of meetings and the mode of service thereof on the members of the Municipal - Council

7 One file of papers on the subject erding with the report No H C 40/42-43 dated 18-11-42 of the - President Krishnarajapet Municipality is enclosed for reference and kind return

I have the honour to be,
Sir
Your most obedient servant,

Deputy Commissioner,
Mandya District

The facts of the case are clearly set forth in the foregoing paragraphs

As the two members in question have shifted themselves from K R Pet due to prevalence of plague notices of municipal meetings could not obviously be served on them No procedure for the service of notice has been prescribed and it is not perhaps binding to get the signatures of the members for having served the notice of the meeting In fact, in cases like this it would not be possible to serve the notice also Having regard to these facts the members in question have incurred a disability to continue as members in accordance

Disqualification of certain members of K R Rot- Minor Hd Cl

General and Revenue Secretariat | File No 3599/L of 194 | [App F III—2

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with section 9(2)(c) of the M M Act-

3 The question of recommending these members to the municipal Council is a matter for the Dy Comm to decide as this is a Minor Hd Cl-

4 Law Section may also be requested kindly to advise in the matter

5- These are two nominated 28/12/42 members of the Kuala Lumpur Town Mcl they have become disqualified from continuing as members of the Mcl for continued absence from the meetings of the Mcl for four successive meetings as contemplated in sec 9(2)(c) of the Town Mcls Act 1937

When a notice inviting them to their renomination from the Municipal Commissioners was sent to them, they have requested the Dy Comm to renominate them on the grounds that they were away during the prevalence of plague epidemic in the Town & owing to the fact that they did not know the provisions of the Act on this behalf On the merits of the case it seems that there would be no objection to renominate them as they promise that they would attend the meetings

WD 04155—GPB—55 000—23 10/41

b)

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regularly breeffed As this is a Town Well, the D.C is Competent to, Commute them stapd, the D.C will be informed accordgly

b) In regard to the questions framing rules, it may be pointed out that in the cases of the Town Wells, it is intended that no elaborate rules are necessary the matter is wd left to the discretion of the President and his discretion need not be fettered in this case. The Well have it in advertise to send with a general notice of the Meeting, written on a memorandum. Such a notice can be construed as a valid notice under the last proviso of Sec 101 (1) of the Town Wells Act 1933 further in this case. The Councillors who are said to have become disabled have not raised any question about the validity or propriety of the notice of meeting sent to them. Each Town Well may adopt a method best suited for it as it determines in this behalf

Lawley 28/12/42

SECY L.S.G. 28-12-42 COVT. OF MYSORE

7) There is no doubt that they become disqualified

Disqualification of certain members - Muslims

General and Revenue Secretariat
R A & L C

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Consequent the Councillors
in receipt of the emoluments
specified under S. 12(1)(c)
of Municipal Boroughs Act
& the circumstances
of the case, especially
the fact that they
attended the meetings
regularly & have not
been suspended
again

& provisions of S.10
apply & the Service of
notice on Councillors

Secy
31-12-42

Note at 2-54

Secy
4/1/43

Secy
22.1.43

Secy
22.1.43

Draft reply submitted

Secy
28/1/43

Submitted with a draft letter to
the D C Mangalore accordingly

Secy
28/1/43

Secy
28/1/43

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General and Revenue Secretariat
R A & L C

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To

The D C Mandya Dist

No L 7464 d 30-1-43

Issues certain instructions

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Appendix F G —1]

SUBJECT

Section Rel
File No 65-41
Serial No 14

Diary No of letter replied to

No L 7444

To Revenue

General and Revenue Secretariat

( )

the *194*

The D C Mandya Dist

Sir,

Date of issue 30 / 43

With reference to your letter no AS-776/42-43 dated 8-12-42 regarding the disability of persons Kengeah and Linge Gowda to continue as members of the Krishnarajapet-Nagar Municipal Council, under Section 9(2)(c) of the Mysore Municipalities Act, 1933, I am directed to state that the members in question have ~~undoubtedly~~ undoubtedly become disabled ~~to~~ from continuing as members of the municipal council ~~the aforesaid~~ provisions of the under Section 9(2)(c) of the ~~Mysore~~ Act

Signed by Rev. GP Rao

List of enclosures

Copied by

Examined by

WD 04161—GPS—60 000—24 10 41

~~Minor Municipalities Act, 1953~~

But having regard to the circumstances of the case especially as the members have promised to attend the meetings regularly hereafter, they may be nominated again ~~and you, under~~ by virtue of the powers ~~for the purpose~~ vested in you, as Krishnarajapet is a minor municipal Council

As provisions of S 101 of the said Act apply to the issue of notices etc of meetings held by members, hence no separate rules for the purpose need be framed as suggested in para 6 of your letter under advertence

The records accompany

I have Etc

for Secy to Govt
Law Dept